

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILIP DELPALAZZO,

Plaintiff,

v.

HORIZON GROUP HOLDING, LLC,

Defendant.

CIVIL ACTION

NO. 19-5682-KSM

ORDER

AND NOW, this 2nd day of June, 2020, upon consideration of the defendant's Motion to Dismiss Plaintiff's Amended Complaint for Failure to State a Claim upon which Relief Can be Granted Pursuant to Fed. R. Civ. P. 12(b)(6) (Doc. No. 7), the plaintiff's response brief (Doc. No. 8), and the defendant's reply brief (Doc. No. 9), it is ORDERED that the defendant's motion is GRANTED IN PART and DENIED IN PART as follows:

1. The motion is DENIED as to Count II of the amended complaint.
2. The motion GRANTED as to Counts I and III of the amended complaint. The plaintiff shall have until **June 16, 2020** to file a second amended complaint that is consistent with the Court's memorandum opinion on the motion to dismiss.

IT IS SO ORDERED.

/s/**KAREN SPENCER MARSTON**

KAREN SPENCER MARSTON, J.